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Case Docket No. DJORTH.138A
Date: May 20, 2002



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Scott Seligman
Appl. No. : 09/945,377
Filed : August 31, 2001
For : KNEE BRACE HINGE
DEFLECTOR
Examiner : Unknown
Group Art Unit : Unknown

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: United States Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202, on

May 20, 2002 (

(Date)

David L. Hauser

David L. Hauser, Reg. No. 42,643

TRANSMITTAL LETTER

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

ATTENTION: APPLICATION BRANCH

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) Response to Notice of Omitted Items.
- (X) Amendment.
- (X) Notice of Omitted Items.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.
- (X) Return prepaid postcard.

David L. Hauser

David L. Hauser
Registration No. 42,643
Attorney of Record

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DJORTH.138A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Scott Seligman

Appl. No. : 09/945,377

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RESPONSE TO NOTICE OF OMITTED ITEM(S)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Notice of Omitted Item(s) mailed on March 18, 2002, please see the enclosed Amendment. By way of this Amendment, all references to Figures 8 and 9 in the specification have been omitted. Thus, Figures 8 and 9 are not being filed herewith. Applicants respectfully submit that this Amendment fully responds to the Notice of Omitted Item(s) in a Nonprovisional Application.

If the Examiner has any questions, please contact the undersigned at the number set forth below. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account no. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 20, 2002

By: David L. Hauser

David L. Hauser

Registration No. 42,643

Attorney of Record

620 Newport Center Drive

Sixteenth Floor

Newport Beach, CA 92660

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UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/945,377 | 08/31/2001 | Scott Seligman | DJORTH.138A |

20995

KNOBBE MARTENS OLSON & BEAR LLP
620 NEWPORT CENTER DRIVE
SIXTEENTH FLOOR
NEWPORT BEACH, CA 92660



CONFIRMATION NO. 2158

FORMALITIES LETTER



OC000000007654809

Date Mailed: 03/18/2002

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- o Figure(s) **Fig 8 & 9** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.

Sadiy Ibrahim

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE